

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK W. DOBRONSKI,
an individual,

Plaintiff,

Case: 2:24-cv-12513
Assigned To : Murphy, Stephen J., III
Referral Judge: Ivy, Curtis, Jr
Assign. Date : 9/25/2024
Description: CMP DOBRONSKI V.
WINRED, INC ET AL (EV)

v.

WINRED, INC.,
a Delaware non-stock corporation; and,

**WINRED TECHNICAL SERVICES,
LLC,** a Delaware limited liability company,

Defendants.

COMPLAINT

NOW COMES the Plaintiff, MARK W. DOBRONSKI, appearing *in propria persona*, and for his complaint against the Defendants alleges:

1. This matter arises under the Telephone Consumer Protection Act of 1991 (“TCPA”), 47 U.S.C. § 227, *et seq.*

Parties

2. Plaintiff, MARK W. DOBRONSKI, is an individual, of the age of majority, a citizen of the United States of America, is domiciled and has a place of business in Orange County, Florida, has a residence and place of business in Washtenaw County, Michigan, and has a place of business in Wayne County, Michigan.

3. Defendant WINRED, INC. (“PAC”), is a non-stock corporation organized and existing under the laws of the State of Delaware, with its principal office located at 4250 Fairfax Drive, Suite 600, Arlington, Virginia 22203-1665.

4. PAC is registered as a political action committee with the United States Federal Election Commission (“FEC”).

5. Defendant WINRED TECHNICAL SERVICES, INC. (“WINRED”) is a limited liability company organized and existing under the laws of the State of Delaware, with its principal office located at 4250 Fairfax Drive, Suite 600, Arlington, Virginia 22203-1665.

6. The trademark “WINRED” is registered with the United States Patent and Trademark Office (“USPTO”), serial number 88322530, registration number 6000101, and is owned by WINRED. *See* EXHIBIT 1, attached hereto.

7. Pursuant to the trademark application filed by WINRED with the USPTO, WINRED represents that it, *inter alia*: provides political fundraising services for others via a global computer network, software as a service services featuring software for creating websites for political fundraising, managing political fundraisers, making and receiving political donations, allocating political donations to marketing or consulting agencies of subcontractors, communicating with and managing political donors, promoting and selling tickets and sponsorships for political events, promotion and

selling merchandise, and creating and managing online petitions. *Id.*

Jurisdiction

8. This Court has jurisdiction over the subject matter of this complaint pursuant to 28 U.S.C. § 1331.

9. This Court has limited personal jurisdiction over Defendants PAC and WINRED, pursuant to M.C.L. § 600.715, as a result of the defendants transacting any business within the state; and/or doing or causing any act to be done, or consequences to occur, in the state resulting in an action for tort.

Venue

10. Venue is proper in this Court, pursuant to 28 U.S.C. § 1391(b)(2), as the tortious or illegal telephone calls complained of herein were received by Plaintiff in this judicial district.

Preliminary Statement

11. As the Supreme Court recently explained, “Americans passionately disagree amount many things. But they are largely united in their disdain for robocalls.” *Barr v. American Association of Political Consultants LLC*, 140 S. Ct. 2335, 2343 (2020).

12. The Federal Government receives a staggering number of complaints about robocalls – 3.7 million complaints in 2019 alone. *Id.*

13. In response to widespread public outrage over intrusive telemarketing calls

to homes and businesses, the United States Congress acted to prevent persons, like Defendant, from invading American citizen's privacy and to prevent abusive "robocalls" by enacting the TCPA.

14. According to the Federal Communications Commission ("FCC"), "Unwanted calls and texts are the number one complaint to the FCC."

15. In regard to such telephone solicitations, Senator Hollings of South Carolina, the primary sponsor of the TCPA, explained, "computerized calls are the scourge of modern civilization. They wake us up in the morning; they interrupt our dinner at night; they force the sick and elderly out of bed; they hound us until we want to rip the telephone right out of the wall... these computerized telephone calls threaten our personal safety... These machines are out of control, and their use is growing by 30 percent every year. It is telephone terrorism, and it has got to stop...." *See In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 17 FCC Rcd. 17459, 17474, fn. 90 (2002), quoting 137 Cong. Rec. 30,821-30,822 (Nov. 7, 1991).

16. According to YouMail, Inc., a company which tracks robocall activity and publishes the YouMail Robocall Index, during calendar year 2022 alone, American consumers were bombarded with over 55.05 *billion* robocalls; an average of over 165 robocalls to each man, woman, and child. [Source: www.robocallindex.com].

17. Nearly 1 in 3 Americans say they have fallen victim to a phone scam in the past year, with reported losses to phone scams exceeding \$29.8 Billion. [Source: www.cndb.com/2021/06/29/americans-list-billions-of-dollars-to-phone-scams-over-the-past-year.html].

18. Congress has found that interstate telemarketing fraud has become a problem of such magnitude that the resources of the Government are not sufficient to ensure adequate consumer protection from such fraud.

19. As a result, in enacting the TCPA, Congress intentionally created a legally enforceable bounty system, not unlike *qui tam* statutes, to incentivize the assistance of aggrieved private citizens to act as “private attorneys general” in enforcing federal law.

Telephone Consumer Protection Act

20. In 1991, Congress enacted the TCPA to restrict the use of sophisticated telemarketing equipment that could target millions of consumers *en masse*. Congress found that these calls were not only a nuisance and invasion of privacy to consumers specifically, but were also a threat to interstate commerce generally. *See* S. Rep. No. 102-178, at 2-3, 1991 U.S.C.C.A.N. 1968, 1969-71, 1991 WL 211220 (1991).

21. The TCPA imposes restrictions on the use of automated telephone equipment. 47 U.S.C. § 227(b)(1).

22. Pursuant to authority delegated by Congress to the FCC under the TCPA at

47 U.S.C. § 227(b)(2), the FCC has adopted regulations to implement the aforesaid restrictions on use of automated telephone equipment. The TCPA implementing regulations are promulgated at 47 C.F.R. § 64.1200(a), *et seq.*

23. As part of the restrictions on use of automated telephone equipment, Congress created a private right of action for aggrieved persons to received \$500.00 in damages for *each* violation of the subsection of the statute or the regulations prescribed thereunder, which amount the court may treble if the court finds that the defendant willfully or knowingly violated the statute or the regulations. 47 U.S.C. § 227(b)(3).

24. Additionally, the Congress also sought to protect subscriber privacy rights, and directed the FCC to initiate a rulemaking proceeding to compare and evaluate alternative methods and procedures, and to develop proposed regulations to implement the methods and procedures that the FCC determines are most efficient to accomplish the need to protect telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. 47 C.F.R. § 227(c)(1). The FCC conducted such a rulemaking and implemented regulations to protect telephone subscribers' privacy rights. *See In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 68 FR 44144, 2003 WL 21713245 (FCC, 2003).

25. As part of the protection of subscriber privacy rights, Congress created a

private right of action for aggrieved persons to receive \$500.00 in damages for *each* violation of the subsection of the statute or the regulations prescribed thereunder, which amount the court may treble if the court finds that the defendant willfully or knowingly violated the statute or the regulations. 47 U.S.C. § 227(c)(5).

General Allegations

26. Plaintiff's residential and cellular telephone lines have been besieged with telemarketing calls hawking such things as alarm systems, Google listings, automobile warranties, health insurance, life insurance, credit cards, and even financial miracles from God. Some calls are blatant scams, including calls purportedly from the Social Security Administration, the U.S. Drug Enforcement Administration, and other government agencies, claiming that arrest warrants have been issued against Plaintiff for alleged drug trafficking and money laundering activities.

27. Plaintiff's cellular telephone number is 734-***-9671.

28. Plaintiff's cellular telephone number 734-***-9671 is listed on the National Do Not Call Registry maintained by the United States Federal Trade Commission pursuant to 16 C.F.R. Part 310 and has been so listed continuously since at least December 9, 2004 and at all times subsequent thereto and relevant hereto.

29. Plaintiff uses his cellular telephone primarily for personal, family, and household communications, and not for business purposes.

30. By listing his cellular telephone number on the National Do Not Call Registry, Plaintiff has given constructive notice to the World, including each and every one of the Defendants, that Plaintiff does not wish to receive telephone solicitations or robocalls at his cellular telephone number.

31. Courts are legally bound to give great deference to the FCC's interpretations of the TCPA and its own regulations.

32. The FCC has issued a declaratory ruling defining "called party" as "the subscriber, i.e., the consumer assigned the telephone number dialed and billed for the call, or the non-subscriber customary user of a telephone number included in a family or business calling plan." *In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02–278, WC Docket No. 07–135, FCC 15–72, 2015 WL 4387780, at *26, ¶ 73 (FCC, 2015).

33. Plaintiff is the subscriber to and a customary user of the called telephone line, is the one that was the actual recipient of the telephone calls at issue in this complaint, and suffered the nuisance and invasion of privacy of same. Thus, Plaintiff has standing to bring this action for alleged violations of TCPA's robocall provisions. See *Leyse v. Bank of America National Association*, 804 F.3d 316, 324 (3rd Cir. 2015).

34. The FCC has ruled that wireless subscribers who ask to be put on the national do-not-call list are presumed to be "residential subscribers." *In re Rules and*

Regulations Implementing the TCPA, 18 FCC Rcd. 14014, 14039, 2003 WL 21517853, at *14, ¶ 36 (FCC, 2003).

35. A text message to a cellular telephone qualifies as a “call” within the compass of the TCPA. *Campbell-Ewald Co. v. Gomez*, 136 S.Ct. 663, 667, 577 U.S. 153, 156 (2016).

36. At no time relevant hereto has Plaintiff or any other authorized person requested, consented, permitted, or authorized the contact from the Defendants.

37. At no time has Plaintiff provided permission to the Defendants to engage in telephone solicitation with the Plaintiff via telephone.

38. Pursuant to 47 U.S.C. § 217, the act, omission, or failure of any officer, agent, or other person acting for or employed by an common carrier or user, acting within the scope of his employment, shall in every case also be deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

39. At no time has Plaintiff provided “prior express consent” or “prior express written consent” (as those terms are defined under the TCPA and as interpreted by the FCC) for any of the Defendants or anyone acting on behalf of the Defendants to initiate any telephone call that includes or introduces an advertisement or constitutes telemarketing, using an automatic telephone dialing system or an artificial or prerecorded voice, to Plaintiff’s residential telephone number.

40. At no time has Plaintiff had an “established business relationship” (as that term is defined under the TCPA and as interpreted by the FCC) with any of the Defendants.

41. The TCPA and the Commission's rules plainly require *express* consent, not implied or “presumed” consent. *In re Rules and Regulations Implementing the TCPA*, 30 FCC Rcd. 7961, 7991, 2015 WL 4387780, at *20, ¶ 52 (FCC, 2015) [Emphasis as in original.]

42. The FCC has declared that “[p]urporting to obtain consent during the call... does not constitute the *prior* consent necessary to deliver the message in the first place as the request... is part of the telemarketing.” *In re Rules and Regulations Implementing the TCPA*, 18 FCC Rcd. 14014, 14019, 2003 WL 21517853, at *49, ¶ 142 (FCC, 2003) [Emphasis as in original.]

43. The FCC has clarified that sellers may be held vicariously liable for violations of the TCPA by third-party telemarketers that initiate calls to market the seller’s products or services, declaring as follows:

“[A] company on whose behalf a telephone solicitation is made bears the responsibility for any violation of our telemarketing rules and calls placed by a third party on behalf of that company are treated as if the company itself placed the call.”

In re Rules and Regulations Implementing the TCPA, 20 FCC Rcd. 13664, 13667,

2005 WL 1981564, at *3, ¶ 7 (FCC, 2005).

44. A seller may be liable for violations by its representatives under a broad range of agency principles, including not only formal agency, but also principles of apparent authority and ratification. *In re Dish Network*, 28 FCC Rcd. 6574, 6584, 2013 WL 1934349, at *9, ¶ 28 (FCC, 2013).

45. When considering individual corporate officer liability, other Courts have agreed that a corporate officer involved in the telemarketing at issue may be personally liable under the TCPA. *See, e.g., Jackson Five Star Catering, Inc. v. Beason*, No. 10-10010, 2013 WL 5966340, at *4 (E.D. Mich., Nov. 8, 2013) (“[M]any courts have held that corporate actors can be individually liable for violating the TCPA where they had direct, personal participating in or personally authorized the conduct found to have violated the statute.”) (internal citation omitted); *Maryland v. Universal Elections*, 787 F. Supp. 2d 408, 415-16 (D.MD., 2011) (“If an individual acting on behalf of a corporation could avoid individual liability, the TCPA would lose much of its force.”).

46. It is well settled under Michigan law that corporate employees and officials are personally liable for all tortious and criminal acts in which they participate, regardless of whether they are acting on their own behalf or on behalf of a corporation. A corporate officer or director is, in general, personally liable for all torts which he authorizes or directs or in which he participates, notwithstanding that he acted as an

agent for the corporation and not on his own behalf.

47. Parties are acting in concert when they act in accordance with an agreement to cooperate in a particular line of conduct or to accomplish a particular result. The agreement need not be expressed in words or may be implied and understood to exist from the conduct itself. Whenever two or more persons commit tortious acts in concert, each become subject to liability for the acts of the others, as well as for his own acts. In either case, the defendant's embrace of the actor's purpose or design—whether by agreement or by action—renders the defendant liable for the underlying tort.

48. The liability of coconspirators to civil damages is joint and several. All those who, in pursuance of a common plan to commit a tortious act actively take part in it and further it by cooperation or request, or who lend aid or encouragement to the wrongdoer, or who ratify and adopt the acts done for their benefit, are equally liable with him.

49. For each and every call alleged herein initiated to Plaintiff's telephone line, Plaintiff suffered the injury of invasion of privacy and intrusion on Plaintiff's right of seclusion.

50. For each and every call alleged herein initiated to Plaintiff's telephone line, Plaintiff suffered the injury of the occupation of the telephone line by unwelcome calls, making the phone unavailable for legitimate callers or outgoing calls, including

emergency calls, when the telephone line was seized by Defendants' calls.

51. For each and every call alleged herein initiated to Plaintiff's telephone line, Defendants caused an injury in the form of a nuisance and annoyance to the Plaintiff. For calls that were answered, Plaintiff had to go to the unnecessary trouble of answering them. Even for unanswered calls, Plaintiff had to deal with missed call notifications and call logs that reflected the unwanted calls. This also impaired the usefulness of these features on Plaintiff's telephone, which features are designed to inform the user of important missed communications.

52. Each and every call placed without consent by Defendants alleged herein to Plaintiff's telephone lines resulted in the injury of a trespass to Plaintiff's chattel, namely Plaintiff's telephone line and its telephone services.

53. For purposes of the TCPA, the FCC has defined "willfully or knowingly" to mean that the violator knew that he was doing the act in question, in this case, initiating a telephone solicitation, irrespective of any intent to violate the law. A violator need not know that his action or inaction constitutes a violation; ignorance of the law is not a defense or mitigating circumstance.

The Scheme

54. Defendants are engaged in providing political fundraising services for others via a global computer network.

55. Defendants offer a “one stop shop” of bundled or packaged services to assist candidates for public office with fundraising activities.

56. The bundled packages rely upon telemarketing via text messaging as a cost effective and efficient method of seeking out consumers across the United States to contribute to the various political campaigns.

57. Generally, federal law prohibits contributions by corporations to political campaigns. *See* 52 U.S.C. § 30118.

58. Because of federal laws relating to campaign financing, Defendants have created a bifurcated corporate process: one corporation – WINRED – to be the bundled service provider or facilitator, and a second corporation – PAC – to be the “trustee” to receive the funds received and to promptly disburse the funds to the political candidates or campaign committees that the funds were solicited for.

59. It is difficult to parse PAC from WINRED, as they both have the word “Winred” in their names (with the mark “Winred” being registered to and owned by WINRED), they both share the same principal office address, they both share the same President, they both share common employees, and they both exist to participate in and facilitate the same scheme, including having designed the scheme and providing the necessary components as a bundled package to their client political candidates and committees and then overseeing the process.

60. Defendants either directly, or through contracted third-party telemarketers, initiate telephone calls *en masse* using automated telephone dialing systems, which have the capacity to store or produce telephone numbers to be called using a random or sequential number generator to dial such numbers, to solicit consumers to contribute to Defendants' clients' political campaigns.

61. Defendants' marketing scheme involves the use of text messages sent to registered voters' cellular telephones soliciting contributions for Defendants' client political candidates or committees. The text messages include a "link" that allows the solicited consumer to make an online contribution by credit card to the designated political candidate or committee.

62. Defendants have boasted that, during their first 18 months of operation, Defendants' marketing scheme was responsible for over \$2 Billion flowing through PAC's bank accounts and into the coffers of WINRED's client political candidates and committees. For every dollar which WINRED facilitates delivery to a political candidate or committee, WINRED receives a commission – the lowest level being 3 percent – as compensation for its services. Thus, it follows that, during its first 18 months of operation, WINRED received over \$60 Million in compensation for its bundled services provided to political candidates and committees.

63. In response to consumer complaints, Attorneys General in Connecticut,

Maryland, Minnesota, and New York have undertaken investigation and scrutiny of PAC's political campaign fundraising practices. The United States Circuit Court of Appeals for the 8th Circuit ruled against PAC in its effort to block subpoenas from Minnesota Attorney General Keith Ellison's office in an investigation into whether PAC's donation processing website violated the state's consumer protection law.

64. The automated telephone dialing systems being utilized by Defendants have the capacity to use a random or sequential number generator to either store or produce phone numbers to be called; the autodialer uses the number generator to determine the order in which to pick phone numbers from a pre-produced list and store those numbers to be dialed at a later time.

65. Upon pressing the link appearing in each text message, the telephone user is then redirected to an Internet web page seeking a donation to a political candidate or committee, or the purchase of a product from the political candidate or committee, and always at the end include the disclosure "Paid for by WINRED.

66. Defendants involvement in the overall scheme includes directing, controlling, and participating at every step in the marketing scheme. Further, Defendants ratify the scheme by taking their commissions and service fees from the client political candidates and committees relative to the campaign contributions generated as a result of the scheme.

The Calls

67. On each of the below indicated dates and times, Defendants initiated or caused to be initiated text message calls to Plaintiff's cellular telephone number 734-***-9671 from the caller identification numbers indicated, which text messages provided the respectively referenced link.

<u>CALL</u>	<u>DATE</u>	<u>TIME</u>	<u>CALLER ID</u>	<u>LINK</u>
1	2/26/2024	12:41 PM	571-250-0135	rwing.us/zaqLoU
2	2/28/2024	12:37 PM	346-476-0450	rwing.us/2A2qx8
3	3/9/2024	12:23 PM	949-849-0365	2024win.org/r.wr?id=10r0CERy
4	3/16/2024	12:32 PM	504-579-8815	rwing.us/5qOEXp
5	3/30/2024	12:46 PM	681-248-1736	red24.us/2eh6of
6	4/2/2024	7:52 PM	734-391-1963	facts37.com/r.wr?id=05RUCluQ
7	4/3/2024	6:06 PM	775-367-7146	rtwing.us/2t7yLq
8	4/3/2024	2:44 PM	504-298-9925	rwing.us2VyfJM
9	4/5/2024	10:15 PM	860-400-2464	red24.us/2bvj2S
10	4/6/2024	11:31 AM	571-445-6977	rwing.us/5RpUNP
11	4/8/2024	5:46 PM	207-816-3292	482facts.com/r/uxjiv5LnG9IP
12	4/8/2024	2:28 PM	857-285-4492	ourusa.co/31uYr8
13	4/10/2024	5:52 PM	623-552-3603	red24.us/4sXlq4
14	4/12/2024	3:03 PM	571-636-9659	gopway1.com/2x3mTv
15	4/14/2024	12:39 PM	571-445-6589	rwing.us/27NMfv
16	4/15/2024	3:02 PM	571-831-0587	24give.us/04923N
17	4/16/2024	11:40 AM	202-796-3750	24give.us4wiXll
18	4/21/2024	10:44 AM	571-445-6989	24give.us/zsA7AT
19	4/23/2024	1:05 PM	571-479-6506	24give.us/20alsk
20	4/26/2024	10:51 AM	412-239-9703	24act.us/0F1GQw
21	5/15/2024	10:35 AM	952-295-9431	red24.us/zHw32G
22	5/17/2024	12:51 PM	571-479-6756	a-ction.us/3xKBHT
23	5/28/2024	2:46 PM	202-894-8245	gopway1.com/zsZ3Uq
24	5/29/2024	10:35 AM	234-335-0053	clkgo.co/chpMP
25	5/31/2024	8:35 AM	571-445-6818	red24.us/3Y3tos
26	6/3/2024	5:15 PM	518-309-0553	facts-34.com/4UvSOS
27	6/3/2024	5:22 PM	470-754-0212	red24.us/4ZcPDS
28	6/9/2024	3:06 PM	470-229-3378	red24.us/4UsM7o
29	6/15/2024	11:27 AM	346-615-2308	red24.us/3sDYld
31	6/19/2024	12:43 PM	202-644-7329	nolib.us/4l3tHP
32	6/20/2024	11:18 AM	571-473-0252	rncgive.com/r.wr?id=V9xNdQM7

33	6/22/2024	12:06 PM	667-458-4016	red24.us/51YZIt
34	6/25/2024	10:49 AM	757-731-7629	red24.us/5g4miO
35	6/28/2024	10:49 AM	757-731-7629	red24.us/
36	6/29/2024	1:54 PM	623-227-4351	facts-34.com/2bZaIR
37	6/30/2024	12:24 PM	202-656-4138	facts254.cc/r/Vq0RLDSA0inN
38	7/15/2024	10:25 AM	771-777-8806	24win.co/3lgT8c
39	7/17/2024	2:19 PM	571-240-7106	red24.us/2RsQDi
40	7/20/2024	5:39 PM	571-463-0679	gopway1.com/27YPDH
41	7/24/2024	11:28 AM	571-569-2825	24act.us/3yBrP9
42	7/28/2024	4:53 PM	346-347-1283	vote24.us/6OFuPy
43	7/29/2024	5:11 PM	571-495-8970	gopway1.com/5BonAr
44	7/30/2024	12:10 PM	814-996-0056	1-gop.us/4ovZld
45	7/30/2024	4:29 PM	202-972-9275	facts16.co/r.wr?id=BEpGIZuj
46	7/31/2024	10:15 AM	202-750-5019	facts273.cc/r/gnV5Cd6R9L2H
47	7/31/2024	12:18 PM	816-648-7143	nolib.us/3KCffY
49	8/1/2024	4:41 PM	346-347-1319	usred.co/zouYcC
49	8/2/2024	1:16 PM	814-996-0162	redvote.co/5yJDJ3
50	8/5/2024	11:44 AM	571-584-1883	gopway1.com/53ym62
51	8/6/2024	3:17 PM	612-843-4990	24-red.com/skcki2
52	8/7/2024	9:40 AM	602-899-9446	facts-34.com/2NyAHw
53	8/7/2024	12:23 PM	814-996-0042	upred.com/6EcSsq
54	8/7/2024	12:43 PM	571-831-0405	win-gop.co/1vdysj
55	8/8/2024	12:53 PM	814-996-0041	usred.com/2IliS7
56	8/8/2024	8:42 PM	571-463-0657	gopway1.com/25TbXK
57	8/11/2024	10:40 AM	504-429-5780	give-1.net/z7xvmH
58	8/20/2024	3:09 PM	617-454-4296	facts-34.com/5auoxu
60	8/21/2024	2:19 PM	202-970-2655	2024win.org/r.wr?id=CDcKfPA
61	8/23/2024	3:41 PM	469-701-3701	give-1.net/2HOasT
62	9/1/2024	1:55 PM	571-495-8941	gopway1.com/3ICE28
63	9/7/2024	2:34 PM	571-390-6358	gop-win.co/10muuc
64	9/8/2024	12:28 PM	832-240-9469	gopway1.com/50es9g
65	9/10/2024	3:53 PM	205-793-9006	24win.co/4mfJup
66	9/10/2024	10:54 PM	202-915-8675	amrca.co/dtnyre
67	9/12/2024	11:46 AM	504-249-8158	24pat.co/26w1HI
68	9/13/2024	3:08 PM	202-984-1594	mega-maga.co/9rhso0
69	9/14/2024	3:06 PM	667-307-2795	24win.co/27SiK3
71	9/14/2024	2:03 PM	385-530-0135	24-red.com/vwkd8w
72	9/16/2024	7:53 PM	520-534-1697	24-red.com/z5nvsr
73	9/17/2024	3:38 PM	928-851-7593	facts344.cc/MuVFok
74	9/18/2024	4:06 PM	771-888-2678	gop-way.com/82wto7
75	9/18/2024	6:28 PM	434-352-1134	us-win.com/nvlo8s
76	9/18/2024	9:02 PM	434-290-3924	24blitz.co/map9xg
77	9/19/2024	10:39 AM	434-290-3524	24blitz.co/4uimje

78	9/19/2024	12:29 PM	857-220-8370	facts-34.com/6LJ9pA
79	9/20/2024	11:56 AM	571-899-3762	gift24.co/p48b88
80	9/21/2024	2:28 PM	571-569-2863	24win.co/09JKeA
81	9/22/2024	11:44 AM	771-215-5796	24pat.co/2ZD96J
82	9/22/2024	4:44 PM	571-240-1964	24win.co/5pcXJT

68. Defendants initiated or caused to be initiated additional unwanted text message calls prior to February 26, 2024, the dates and times which are well within Defendants' knowledge and will be unveiled during discovery, but which text message calls Plaintiff had inadvertently deleted from his cell phone. After discovery, Plaintiff will amend this Complaint to include those additionally identified text message calls.

69. Plaintiff sent "STOP" messages in response to many of the messages received received prior to February 26, 2024, and including immediately after receiving Calls 1, 3, 6, 7, 26, 37, 51, 58, 69, 73, and 74, *supra*.

70. On many occasions, Plaintiff dialed the caller identification numbers displayed during the text message calls to make a verbal "do not call" demand, but those attempts were to no avail as the dialed numbers were either disconnected or merely rang and were not answered.

71. The use of an automatic telephone dialing system to send the text messages is evident from the generic and impersonal nature of the text messages and the use of a link in each message.

72. The use of an automatic telephone dialing system to send the text messages is also evident by virtue of the fact that, when Plaintiff send a "STOP" message in

response to a received text message, a nearly instantaneous response of “You have successfully unsubscribed” is received.

FIRST CAUSE OF ACTION
VIOLATION OF THE TCPA - AUTODIALER CALL

73. Plaintiff incorporates the allegations of paragraphs 1 through 72, *supra*.

74. Each of Calls 1 through 82, *supra*, were in violation of the TCPA, specifically 47 U.S.C. § 227(b)(1)(A)(iii) and 47 C.F.R. § 64.1200(a)(1)(iii), as Defendants initiated or caused to be initiated a telephone call to a telephone number assigned to a cellular telephone service, without the prior express consent of the called party and there being no emergency purpose, using an automatic telephone dialing system.

75. The aforesaid violations of the TCPA were willful and/or knowing as is evidenced by repetitive number of calls.

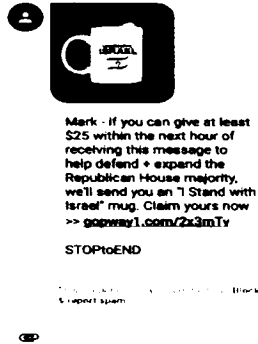
76. Further, both Defendants are well aware of the requirements under the TCPA as both Defendants have been previously haled into federal district courts for similar violations under the TCPA.

SECOND CAUSE OF ACTION
VIOLATION OF THE TCPA - DO NOT CALL

77. Plaintiff incorporates the allegations of paragraphs 1 through 82, *supra*.

78. Following is a screen shot of the text message received during Call 14.

← (571) 636-9659 📞 📧 ⋮



79. Call 14, *supra*, constituted a telephone solicitation as the call encouraged the purchase of goods, to wit: a coffee mug.

80. Call 14, *supra*, was in violation of the TCPA, specifically 47 C.F.R. § 64.1200(c)(2), as Defendants initiated or caused to be initiated a telephone solicitation to a residential telephone subscriber who has registered his telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations; or, alternatively, 47 C.F.R. § 64.1200(d)(3) and/or (6) for failing to honor Plaintiff's express do-not-call requests.

81. The aforesaid violation of the TCPA was willful and/or knowing.

PRAYER FOR RELIEF

WHEREFORE, the aforesaid premises considered, Plaintiff prays that this Court enter a judgment for Plaintiff and against the Defendants, jointly and severally, as

follows:

A. Damages for violations of the TCPA alleged:

- First Cause of Action: 82 violations
- Second Cause of Action: 1 violation

A total of 83 violations at \$500.00 per violation, for damages of \$41,500.00, which amount shall be trebled because the violations were willful and/or knowing, for total damages of \$124,500.00. The cumulative total amount of damages claimed in this action is \$124,500.00, and in the event of default judgment is the sum certain damages amount that will be sought.

B. An award of Plaintiff's taxable costs and disbursements incurred in the filing and prosecution of this action;

C. An injunction enjoining Defendants from initiating any telephone calls to Plaintiff's residential telephone and cellular telephone lines.

D. Interest accruing from the date of filing until paid at the statutory rate; and,

E. Such other and further relief as this Court deems necessary, reasonable, prudent and proper under the circumstances.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark W. Dobronski". The signature is written in a cursive style with a loop at the end of the last name.

Dated: September 23, 2024

Mark W. Dobronski
Post Office Box 99
Dexter, Michigan 48130-0099
Telephone: (734) 641-2300
Email: markdobronski@yahoo.com
Plaintiff *In Propria Persona*

EXHIBIT 1

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS DOCUMENTS MAINTENANCE

[Back to Search](#)

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Generated on: This page was generated by TSDR on 2024-09-22 09:31:20 EDT

Mark: WINRED

WINRED

US Serial Number: 88322530

Application Filing Date: Mar. 01, 2019

US Registration Number: 6000101

Registration Date: Mar. 03, 2020

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 03, 2020

Publication Date: Dec. 17, 2019

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: providing political fundraising services for others via a global computer network

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2019

Use in Commerce: Apr. 2019

For: software as a service (SAAS) services featuring software for creating websites for political fundraising, complying with political fundraising laws and regulations, managing political fundraisers, reporting on political fundraisers, making and receiving political donations, allocating political donations to marketing or consulting agencies or subcontractors, communicating with and managing political donors, promoting and selling tickets and sponsorships for political events, promoting and selling merchandise, and creating and managing online petitions

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2019

Use in Commerce: Apr. 2019

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: WINRED TECHNICAL SERVICES, LLC

Owner Address: 4250 Fairfax Drive
Suite 600
ARLINGTON, VIRGINIA UNITED STATES 22203

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

MARK W. DOBRONSKI
POST OFFICE BOX 99
DEXTER, MICHIGAN 48130-0099
(734) 641-2300
markdobronski@yahoo.com

September 23, 2024

United States District Court
Attn: Clerk's Office
231 West Lafayette Boulevard, 5th Floor
Detroit, Michigan 48226-2700

Re: NEW FILING
Mark W. Dobronski v. Winred, Inc., *et al.*

Dear Sir or Madam:

Enclosed please find:

- Check number 6174, in the amount of \$405.00, representing the filing fee required for the above-case;
- Civil Cover Sheet
- Two (2) Summonses; and,
- Complaint

Please file the Complaint in your usual course and return the signed Summonses to the attention of the undersigned.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink that reads "Mark W. Dobronski". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Mark W. Dobronski

MWD/hp

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MARK W. DOBRONSKI

(b) County of Residence of First Listed Plaintiff Orange, FL
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

PRO SE

DEFENDANTS

WINRED, INC. and
WINRED TECHNICAL SERVICES, LLC

County of Residence of First Listed Defendant Arlington, VA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable Sat TV <input type="checkbox"/> 850 Securities: Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. 227

Brief description of cause:
Illegal text messaging calls

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 124,500.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

September 23, 2024

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :


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TO:

 UNITED STATES DISTRICT COURT
ATTN: CLERK'S OFFICE
231 W LAFAYETTE BLVD FL 5
DETROIT, MI 48226-2700

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